

Re: Fw: white mesa site groundwater



Terry Brown to: Rusty Lundberg

"Loren Morton", "Phillip Goble", Deborah Lebow-Aal, Robert Duraski, Nancy Morlock

09/22/2011 05:11 PM

Hi Rusty - I assumed from Scott's email below with his discussion Loren, that a penalties will likely be assessed. For EPA's CERCLA Off-Site Rule, the assessment of penalties indicates that a violation exist. EPA has a responsibility under the CERCLA Off-Site Rule to keep CERCLA waste from being sent to "leaking" facilities. Rather than a call, can you provide us with information on the assessment of penalties if if occurs. Thanks.

-Terry

"Rusty Lundberg" Terry, 09/22/2011 04:36:41 PM

From: "Rusty Lundberg" <rlundberg@utah.gov> To: Terry Brown/R8/USEPA/US@EPA

"Loren Morton" < Imorton@utah.gov>, "Phillip Goble" < Pgoble@utah.gov> Cc:

09/22/2011 04:36 PM Date:

Subject: Re: Fw: white mesa site groundwater

Terry,

I thought we have already discussed this and indicated all of our documents are on our web site. I'm not sure what else you may feel is missing from our discussions and the available documents.

Thanks, Rusty

Rusty Lundberg, Director Utah Division of Radiation Control

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www.radiationcontrol.utah.gov

NOTE: Beginning Tuesday, September 6, 2011, our office hours will return to a five-day work week, Monday - Friday, 8:00 a.m. to 5:00 p.m. Thank you.

>>> <Brown.Terry@epamail.epa.gov> 9/21/2011 4:21 PM >>> Hi Rusty - We are sensitive to State-Issued enforcement actions and do not want to interfere, but were wondering whether you can provide us details on the Denison groundwater investigation? If the case can't be

discussed, then can you please alert us to any enforcement action or penalties assessed for the White Mesa Mill? Thanks.

-Terry 303-312-6419

From:Robert Duraski/R8/USEPA/US
To:Terry Brown/R8/USEPA/US@EPA
Cc:Deborah Lebow-Aal/R8/USEPA/US@EPA
Date:09/16/2011 12:28 PM
Subject:Fw: white mesa site groundwater

Hi Terry,

These documents Scott sent were written by Utah and do point out some important flaws in the liners leak detection system.

---- Forwarded by Robert Duraski/R8/USEPA/US on 09/16/2011 12:25 PM

Date:09/16/2011 10:29 AM

Subject: white mesa site groundwater

Hi Bob-

Thanks for the update. I spoke with Loren Morton in Salt Lake on Tuesday after the Radiation Control Board Meeting there- he is the DRC point person on the groundwater permit for the White Mesa Mill. They have a decision to make by the end of September about the ongoing tolling agreement with Denison regarding the nitrate and chloride contamination in the shallow groundwater. Either they reach an agreement with Denison about the source of the contamination based on

the monitoring and hypotheses put forth by Denison and their consultants or they start fining them daily on October 1. I asked Loren if active remediation was on the table and he could not get into that level of detail because it was an ongoing enforcement action, but we will all know very soon what the State and Denison plan to do about it. They had multiple meetings scheduled this week with Denison.

See the attached letter from the from the last Director of DRC regarding nitrates in groundwater, aka the "smoking gun" letter. It is our position that what is described in the State's justification for a groundwater permit in this letter in 1999 is exactly what occurred less than 10 years later and now being debated by Denison, formerly IUC-catastrophic liner leakage. It is interesting to me because when I started working for the Tribe in the mid-90's their mantra was "if there is no chloride contamination in the groundwater, then there is no leakage." They told me this on multiple occasions and multiple mill tours. Now that the chloride is elevated they are changing their story, and Mr. Frinefrock's position that nitrates be included seems to have been accurate.

Cheers, Scott

----Original Message----

From: Duraski.Robert@epamail.epa.gov [mailto:Duraski.Robert@epamail.epa.gov] Sent: Friday, September 16, 2011 9:43 AM

To: Scott Clow

Cc: Brown.Terry@epamail.epa.gov

Subject: Re: white mesa site visit this summer?

Hi Scott.

The trip was canceled because the state provided us information that indicated that there may be a release of nitrates to the groundwater. The numbers are small and we can't tell if it is from the impoundment or from an upstream source. We are reviewing their groundwater data now to try and understand the issue. Here is the state's web page on the issue:

http://www.radiationcontrol.utah.gov/Uranium Mills/IUC/nitrate/nitrate.htm

Hope all is well, RD

From: Scott Clow <sclow@utemountain.org>
To: Robert Duraski/R8/USEPA/US@EPA
Cc: Randy Brown03/R8/USEPA/US@EPA

Date: 09/15/2011 03:52 PM

Subject: white mesa site visit this summer?

HI Bob-

I was wondering if you and Terry made a visit to White Mesa this summer as we discussed in March when I was at EPA, and if so, what your determination was for the qualifications of the Denison facility to receive RCRA wastes?

Thanks, Scott

(See attached file: DRCtoIUC_021199_smokinggunletterp3.pdf)(See attached

file: DRCtoIUC_021199_smokinggunletterp1-2.pdf)